

REMARKS

By the foregoing Amendment, Claims 1, 4, 5, 6, 8, 10, 13 and 19-22 have been amended, and Claim 3 has been cancelled. Favorable consideration of the application is respectfully requested.

The Examiner objected to the drawings as not showing the feature recited in Claim 4 of the means for linking comprising an electrical switch, and the features in Claim 19 of the exhaust system, secondary exhaust system and valve. Claim 4 has been amended to delete the term “an electrical switch” and recite “a controller unit” shown in Fig. 1 as element 56, and described in the specification at page 5, line 30, so that it is believed that the objection to the drawings with regard to “an electrical switch” can now be withdrawn. Claim 13 has been similarly amended. The specification has been amended to describe the exhaust system, secondary exhaust system and valve recited in Claim 19, and new Fig. 2 has been added to show these features, so that it is believed that the objection to the drawings with regard to these features from Claim 19 can now be withdrawn.

The Examiner objected to Claim 1 as reciting an apparatus and method, and Claim 1 has been amended to delete reference to the method, as suggested by the Examiner. It is therefore believed that this objection to Claim 1 can be withdrawn.

Claims 19-22 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The specification has been amended to describe and provide antecedent basis for the features in Claim 19, and new Fig. 2 has been added to illustrate the features in Claim 19. Support for these amendments is in

original Claims 19-22. It is believed that the subject matter of Claim 19-22 is now sufficiently described in the specification and shown in the drawings to enable one skilled in the art to make and/or use the invention, and that the rejection of Claims 19-22 on the grounds of failure to comply with the enablement requirement can now be withdrawn.

Claims 1-3 and 5-7 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Polakowski, disclosing a personal watercraft having exhaust pipes which discharge exhaust gases to either side of the hull of the watercraft. Claim 1 has been amended to incorporate the subject matter of Claim 3, and now recites “means for linking said first and second valves so that opening of one of the first and second valves closes the other of the first and second valves, such that the engine exhaust is directed out of one of the port or starboard side exhaust outlets.” The Examiner argued that Polakowski discloses a “means for linking” in the form of a link 170, which is describe in Polakowski at column 10, lines 6-22 as a swivel linkage for which clockwise pivoting of the swivel linkage 170 pulls down the lever arm 106 while leaving the lever arm 114 undisturbed, which directs an increasingly greater portion of the exhaust gas through the left exhaust pipe 82, resulting in a steering force. Polakowski does not teach, disclose or suggest that opening of one of the first and second valves closes the other so that the engine exhaust is directed out of one of the port or starboard side exhaust outlets, as is claimed. It is therefore respectfully submitted that Claims 1-3 and 5-7 are novel and inventive over Polakowski, and that the rejection of Claims 1-3 and 5-7 on the grounds of anticipation by Polakowski should be withdrawn.

The Examiner argued that regarding Claim 8, the means for linking comprises mechanical linkage 170, apparently referring to Polakowski. Claim 8 recites “controlling a flow of engine exhaust to permit the flow of engine exhaust through one of the first and second exhaust conduits, while preventing the flow of engine exhaust through the other of the first and second exhaust conduits, such that the engine exhaust is directed out of one of the port and starboard side exhaust outlets and not through the other of the port and starboard side exhaust outlets.” As noted above, Polakowski does not teach, disclose or suggest that opening of one of the first and second valves closes the other, as is claimed. It is therefore respectfully submitted that Claim 8 is also novel and inventive over Polakowski.

The Examiner further argued that Polakowski contains all of the recited elements of Claims 10-12 and 14-16. Claim 10 recites “valve means connected to said first and second exhaust conduits for directing the engine exhaust out of one of the port and starboard exhaust outlets, such that directing the engine exhaust out of one of the exhaust outlets prevents directing the engine exhaust out of the other of the exhaust outlets.” As noted above, Polakowski does not teach, disclose or suggest that opening of one of the first and second valves closes the other, as is claimed. It is therefore respectfully submitted that Claims 10-12 and 14-16 are also novel and inventive over Polakowski.

Claims 19 and 20 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Schlichthorst, disclosing an exhaust gas system for a ship. Claim 19 recites “valve means in the exhaust system for diverting the engine exhaust from the primary exhaust system into the secondary exhaust system, the valve means including a

first valve connected to the primary exhaust system for controlling flow of engine exhaust through the primary exhaust system to the rear of the boat, and a second valve connected to the secondary exhaust system for controlling flow of engine exhaust through the secondary exhaust system in a vertical direction away from the wake of the boat, and means for linking said first and second valves so that opening one of the first and second valves closes the other of the first and second valves.” Schlichthorst does not teach, disclose or suggest first and second valves connected to primary and secondary exhaust systems for controlling flow of engine exhaust through the primary and secondary exhaust systems, and means for linking the first and second valves so that opening of one of the first and second valves closes the other of the first and second valves. It is therefore respectfully submitted that Claims 19-20 are novel and inventive over Schlichthorst, and that the rejection of Claims 19-20 on the grounds of anticipation by Schlichthorst should be withdrawn.

Claims 4, 13, 18, 8, 9, 17 and 18 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Polakowski. As noted above, Polakowski does not teach, disclose or suggest that opening of one of the first and second valves closes the other, as is claimed. It is therefore respectfully submitted that Claims 4, 13, 18, 8, 9, 17 and 18 are novel and inventive over Polakowski, and that the rejection of Claims 4, 13, 18, 8, 9, 17 and 18 on the grounds of obviousness from Polakowski should be withdrawn.

Claim 21 was rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Polakowski in view of Schlichthorst. As noted above, Polakowski and Schlichthorst do not teach, disclose or suggest that opening of one of the first and second valves closes the

other, as is claimed. It is therefore respectfully submitted that Claim 21 is novel and inventive over Polakowski and Schlichthorst, either when taken individually or in combination, and that the rejection of Claim 21 on the grounds of obviousness from Polakowski and Schlichthorst should be withdrawn.

Claim 22 was rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Polakowski in view of Schlichthorst. As noted above, Polakowski and Schlichthorst do not teach, disclose or suggest that opening of one of the first and second valves closes the other, as is claimed. It is therefore respectfully submitted that Claim 22 is novel and inventive over Polakowski and Schlichthorst, either when taken individually or in combination, and that the rejection of Claim 22 on the grounds of obviousness from Polakowski and Schlichthorst should be withdrawn.

Applicant has reviewed the additional prior art made of record and not relied upon, and it is believed that the additional prior art made of record and not relied upon is no more pertinent than the reference actually applied.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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